

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JANUARY 18, 2000

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Ehm at 1:00 p.m. on Tuesday, January 18, 2000, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Elizabeth Christiansen
William Ehm, Chair
Randal Giannetto
Rozanne King, Secretary
Kathryn Murphy
Gary Priebe
Terrance Townsend, Vice-Chair
Rita Venner

MEMBERS ABSENT

James Braun

Chairman Ehm announced that Commissioner Braun phoned to say he had a business conflict and would not be able to attend the meeting.

ADOPTION OF AGENDA

Motion was made by Terrance Townsend to approve the agenda as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Rita Venner to approve the meeting minutes of December 20, 1999 as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Paul Johnson, Director, stated that he visited with Larry Wilson this morning about “year one,” relating that it has been a year since he came on board with the Department. He noted that people have complained that nothing has been done and they do not see any changes being made. Director Johnson related that he recently listed 39 new initiatives in the Department, of which the Commission is involved in many of them. The list includes a number of things such as premier state parks, private lands and wildlife, full funding of REAP, Earth Year 2000, utility restructuring, and night skies, just to name a few. He stated that the work is exciting and people should remember that everyday the Department staff is carrying out their regular work as well, and they are doing a very good job of it. Director Johnson related that the water initiative is really filled with some good ideas and he encouraged the Commission to help the Department work through it.

SOLID WASTE ALTERNATIVES PROGRAM PROJECT CONTRACTS

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received seventeen (17) pre-proposals, requesting \$1,367,102 million in financial assistance, for consideration during the October 1999 round of funding. Six (6) applicant projects were selected to receive \$280,313 in a combination of forgivable loans and zero interest loans. One project award is in excess of \$25,000.

The review committee consisted of six persons representing the Waste Management Assistance Division (2), The Environmental Protection Division field office staff (1), Iowa Society of Solid Waste Operations (1), the Iowa Waste Exchange (1), and the Iowa Recycling Association (1).

Background

To provide the best and most responsive program, the Waste Management Assistance Division established a 26 member Advisory Committee in June of 1998 to revise and update its Landfill Alternatives Financial Assistance Program. The Advisory Committee represents the Division’s stakeholders, including business and industry, state agencies, solid waste organizations, non-profit organizations, educators, and local governments. The revised program has been renamed the Solid Waste Alternatives Program. It focuses on best practices in pollution prevention and recycling, market development and education.

Proposals are accepted on a year round basis and are reviewed four times a year. After initial review selected applicants are contacted to provide further information about the proposed project. Upon satisfactory evaluation of this information, a funding decision is made. There are three (3) types of financial assistance that will be awarded to an applicant selected to receive funding: forgivable loan, zero interest loan, and a 3% interest loan. The type of financial assistance awarded depends upon the awarded amount. The first \$20,000 of an award is eligible as a forgivable loan. The next 150,000 of an award is eligible as a zero interest loan. The remainder of an award will be in the form of a 3% interest loan.

The table below summarizes recommendations by applicant and project type and by the type of award.

Recommended By Applicant Type	# Awards	Award Amount	Forgivable Loan Portion
Local Government	4	\$253,648	\$108,107
Private For Profit	0	\$0	\$0
Private Not For Profit	2	\$28,441	\$11,040
Recommended By Project Type	# Awards	Award Amount	Forgivable Loan Portion
Best Practices	4	\$48,637	\$29,460
Education	2	\$233,452	\$89,687
Market Development	0	\$0	\$0
Type of Award	# Awards	Award Amount	Forgivable Loan Portion
Forgivable loan only	4	\$44,147	\$44,147
Zero interest & Forgivable loans	2	\$236,166	\$75,000
Combination of Forgivable, Zero, and 3%	0	\$0	\$0

At this time, the Department is requesting Commission approval to enter into a contract with selected applicant whose award is in excess of \$25,000 subject to satisfactory negotiation of budget, match and deliverables.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received.

**SOLID WASTE ALTERNATIVES PROGRAM
PROPOSAL RECOMMENDATIONS – OCTOBER 1999**

Six (6) projects from the 17 proposals submitted for consideration are recommended to receive \$280,313 in a combination of forgivable loans and zero interest loans. The following provides a description of each project, the project type, and the amount and type of funding assistance. The descriptions are organized as projects above \$25,000, those under \$25,000, and proposals received but not selected.

PROPOSAL RECOMMENDATIONS: ABOVE \$25,000

EDUCATION PROJECTS

Landfill of North Iowa 15942 Killdeer Ave. Clear Lake, IA 50428	Forgivable Loan:	Up to \$75,000
	Zero Interest Loan:	\$143,765
	3% Interest Loan	\$0
	Total Award Amount:	\$218,765
	Cash Match:	\$218,765
	In-Kind Match:	\$0
	Local Match:	\$218,765
Total Project cost:		\$437,530
Project Title:	Landfill of North Iowa Education Center	
Contact:	Robert Kraemer or Bill Rowland 515-357-5452	
Project Type:	Education	
Applicant:	Local Government	
Description:	<p>The applicant will construct an education facility at the landfill. This facility will promote waste reduction, recycling, and resource conservation through hands on displays, educational programs, and the use of green building techniques. Green building techniques include on-site recycling and using recycled content products in the construction process.</p> <p>The review committee elected to deviate from the usual \$20,000 forgivable loan cap as the project is a large, non-revenue generating education and demonstration project. The review committee recommended up to a \$75,000 forgivable loan, limited to the purchase of recycled content construction items.</p> <p>Deliverables: Education center showcasing green building techniques and recycled content products Presentations at the education center promoting waste reduction, recycling, and resource conservation A video that will demonstrate the steps in the construction of a building using green building practices and recycled content products. Recycled content product demonstration including quality assessment of recycled content products Cerro Gordo and Franklin Counties</p>	
Target Area:		

PROPOSAL RECOMMENDATIONS: BELOW \$25,000

BEST PRACTICES PROJECTS

Ottumwa Community School District	Forgivable Loan:	\$2,920
422 McCarroll Drive	Zero Interest Loan:	\$0
Ottumwa, IA 52501	3% Interest Loan:	<u>\$0</u>
	Total Award Amount:	\$2,920
	Cash Match:	\$1,600
	In-Kind Match:	<u>\$7,859</u>
	Local Match:	\$9,459
	Total Project cost:	\$12,379
Project Title:	Ottumwa Schools Recycling Program	
Contact:	Kim Hellige 515-682-8764	
Project Type:	Best Practices	
Applicant:	Local Government	
Description:	<p>The applicant will expand the current school recycling program district wide. Through a student and teacher network approximately 30 tons of OCC, newspaper, magazines, catalogues, old textbooks, office paper, and tin will be diverted per year.</p> <p>Deliverables:</p> <p>Recycling program instituted</p> <p>A manual outlining steps to start and operate a recycling program in schools.</p> <p>Ottumwa Community School District</p>	
Target Area:		

Hawkeye Valley Area Agency on Aging	Forgivable Loan:	\$0
2101 Kimball Ave., Suite 320	Zero Interest Loan:	\$17,401
Waterloo, IA 50702-5057	3% Interest Loan:	<u>\$0</u>
	Total Award Amount:	\$17,401
	Cash Match:	\$5,802
	In-Kind Match:	<u>\$76,200</u>
	Local Match:	\$82,002
	Total Project cost:	\$99,403
Project Title:	Senior Meals Waste Reduction and Education Project	
Contact:	Ginny Paulson 319-272-2244	
Project Type:	Best Practices	
Applicant:	Private Not For Profit	

Description:	<p>The applicant will purchase two dishwashers and replacement reusable trays to be used in their home delivered and congregate meal service programs.</p> <p>Primary Deliverable:</p> <p>Meal service program stressing waste reduction through the use of reusable meal trays and service items</p> <p>A brochure educating meal recipients about waste reduction, recycling and the reusable meal tray system.</p> <p>Butler, Toledo, and Tama Counties and a portion of Black Hawk County.</p>
Target Area:	

Ringgold County	Forgivable Loan:	\$15,500
Courthouse	Zero Interest Loan:	\$0
Mount Ayr, IA 50854	3% Interest Loan:	\$0
	Total Award Amount:	\$15,500
	Cash Match:	\$16,805
	In-Kind Match:	\$0
	Local Match:	\$16,805
	Total Project cost:	\$32,305

Project Title:	Ringgold County Rural Recycling
Contact:	Lloyd Bedier 515-464-3244
Project Type:	Best Practices
Applicant:	Local Government

Description:	<p>The applicant will purchase a 24-foot, 6 compartment recycling bin for drop off collection. The bin will be placed in Mt. Ayr, thus making it accessible for all county residents. Approximately 200 tons per year of recyclable materials including glass, tin, paper, cardboard, aluminum, newspaper, and #1 and #2 plastics will be collected.</p> <p>Primary Deliverable:</p> <p>Recycling collection available to all Ringgold County residents</p>
Target Area:	Ringgold County

Tenco	Forgivable Loan:	\$11,040
710 Gateway Drive	Zero Interest Loan:	\$0
Ottumwa, IA 52501	3% Interest Loan:	\$0
	Total Award Amount:	\$11,040

	Cash Match:	\$2,642
	In-Kind Match:	<u>\$9,164</u>
	Local Match:	<u>\$11,806</u>
	Total Project cost:	<u>\$22,846</u>
Project Title:	Business and Industry Recycling Collection Program	
Contact:	Jim Courtney 515-682-8114	
Project Type:	Best Practices	
Applicant:	Private Not For Profit	
Description:	<p>The applicant will purchase ten 8x6 lockable sheds to be placed at participating business and industry to store recyclable materials for collection by Tenco employees. 120 tons per year diversion is expected. Tenco is an agency that employs physically and mentally challenged adults.</p> <p>Primary Deliverable: Commercial sector recycling program implemented A manual describing steps for developing a recycling collection program run by a sheltered workshop</p>	
Target Area:	Ten Ottumwa Businesses	

EDUCATIONAL PROJECTS

Ottumwa/Wapello County Solid Waste 105 E. Third St. Ottumwa, IA 52501	Forgivable Loan:	\$14,687
	Zero Interest Loan:	\$0
	3% Interest Loan:	<u>\$0</u>
	Total Award Amount:	\$14,687
	Cash Match:	\$7,797
	In-Kind Match:	<u>\$7,111</u>
	Local Match:	\$14,908
	Total Project cost:	\$29,595
Project Title:	<u>Recycling Education Program</u>	
Contact:	Jody Gates 515-683-0694	
Project Type:	Education	
Applicant:	Local Government	

Description:	The applicant will develop an educational program to reach residents of the planning area with current and consistent recycling and waste reduction information. Recycling and waste reduction information will be disseminated through a quarterly newsletter in the local paper, television, and personal speaking engagements. Primary Deliverables: Six television public service commercials on recycling and waste reduction A promotional brochure to encourage business sector recycling Recognize recycling households with an "Excellence in Recycling" award program.
Target Area:	City of Ottumwa

A copy of the proposals that were received but not recommended is on file in the Department's Records Center.

Ms. Stanley reviewed details of the recommended proposals.

Brief discussion followed regarding the Landfill of North Iowa Education Center Project and similar facilities in Bondurant, Scott County and Linn County.

Gary Priebe asked if people would go to a landfill to attend a class.

Elizabeth Christiansen commented that she gave 2-3 tours a week to school children when she worked for a solid waste agency. She related that it is a perfect opportunity to teach children what happens when things are thrown away by showing them a variety of recycling efforts.

Gary Priebe asked if there is a need to educate the manufacturers to use recyclable materials in the beginning.

Ms. Stanley stated that the Department works with the National Recycling Coalition, who on a larger basis, works with manufacturers across the country.

Discussion followed regarding #1 and #2 plastics and going beyond that for recyclables; the quality of recyclables; and the reuse of recycled containers for food.

Rita Venner asked if the Department has any say in the design of recycle bins, noting that some of them are not very user friendly and it is difficult to put things into them.

Ms. Stanley replied that the department has not offered suggestions in the past but it is a good point and she will raise that issue.

<i>Motion was made by Gary Priebe to approve the Solid Waste Alternatives Program projects as presented. Seconded by Elizabeth Christiansen. Motion carried unanimously.</i>
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APPROVED AS PRESENTED

WASTE TIRE STOCKPILE ABATEMENT PROJECT CONTRACT – MADISON AND WARREN COUNTIES

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

Project Description

The Commission is requested to approve a contract with Greenman Technologies of Minnesota, Inc. for the removal, processing, and recycling of a total of over 140,000 waste tires located at six (6) stockpile locations in Madison and Warren Counties. The contract amount is for a total of \$329,000.

The contract implements the goals of Iowa Administrative Code Chapter 218, “Waste Tire Stockpile Abatement Program,” to abate waste tire stockpiles that pose a nuisance to the environment, or to public health, safety or welfare, through awarding of contracts by the department.

The Waste Management Assistance Division issued a notice of request for proposals (RFPs) in December of 1999 to solicit services from qualified firms for this stockpile abatement project. The following six (6) firms were notified:

Central States Tire Recycling – Sioux City, IA
Greenman Technologies of Minnesota - Savage, MN
Tire Solutions West, Lancaster, CA
Tri-State Environmental - St. Louis, MO
UT Tire Recyclers - Des Moines, IA
Waste Recovery of Illinois, Dupo, IL

Selected Bidder

Greenman Technologies of Minnesota provided the only bid response to this RFP. Their bid includes a provision whereby UT Tire Recyclers of Des Moines will handle some of the waste tires recovered, as UT Tire has a contract to provide shredded tires to the Black Hawk County landfill throughout 2000.

The Department recommends selection of Greenman Technologies’ bid based upon the following factors presented in their proposal.

The contractor has over 10 years of experience in the waste tire processing industry, recycling over 8 million waste tires per year (Iowa generates a total of 3 million annually).

The contractor has valuable experience in the removal of waste tires from difficult settings, including ravines, ditches, and heavily wooded areas. The Madison/Warren sites were grouped together for their similarity, as they present this difficult challenge.

The contractor owns and uses specialized equipment that is necessary for this work, including tracked excavators, custom designed load “tippers” for hauling tires from off-road areas, and dozers and scrapers for site restoration.

The contractor has successfully completed other stockpile abatement projects throughout Iowa and the Midwest, and has extensive references from state agencies and private firms.

The contractor has definitive contracts and purchase orders to supply Holnam Cement, Mason City, and OtterTail Power Company, Millbank, South Dakota, with tire-derived fuel (TDF) from the waste tires processed through this project.

Stockpile descriptions

The sites selected for abatement activities will present work of increased difficulty to the contractor, as compared to past abatement projects, as the majority of the tires to be recovered have been dumped in ravines and wooded areas that are challenging to access. The sites are as follows:

Site	Location	Site Conditions	Tire Amount
Anderson Farm	Southern Madison County	Tires are stored in three wooded ravines, access through fields only	65,000
Patterson Farm	Rural Madison Co., near Truro	Tires stored in ravines, partially buried, access across pastures	2,000
Bumgarner Estate	Rural Warren Co., near Norwalk.	Tires dumped in ravines with other solid waste, difficult access	25,000
Domino Farm	Northern Warren County	Tires dumped in wooded ravines, across streams and ditches	45,000
Polley Homestead	Cumming, Warren Co.	Tires stored in treeline	1,000
Dennis Property	South of Norwalk, Warren Co.	Tires in ravines and treeline	2,000

History of the Stockpiles

The waste tires contained at these sites were dumped between 15-25 years ago; this is prior to any land disposal regulations or tire storage requirements.

Tires originated from numerous tire dealerships in Des Moines and central Iowa. Records of the firms that would have dumped the tires have been difficult to find.

Landowners were not paid to accept the tires; most thought they were good to stop “washouts” or to fill ravines.

Site owners are mostly widows, heirs, or new site owners, as the original land owner has either passed away or had long ago sold the property to the current owners.

Owner Responsibility in Projects

Each site owner will be required to conduct the following upon completion of the Department's abatement activities:

- Stabilize exposed soils and slopes with proper erosion control measures
- Re-established vegetative coverings in areas where tires were removed
- Work with local Natural Resources Conservation District Offices to develop future erosion control and land conservation management plans
- Remove and properly recycle other solid waste present or uncovered in the ravines, including white goods, automobile hulks, and other solid waste currently banned from land disposal.

Goodyear Tire and Rubber of Akron, Ohio has agreed to pay \$25,000 to the Department, as most of the tires at the Anderson Farm have been traced back to a tire retreading plant that Goodyear operated in Des Moines in the early 1970s. Goodyear did have the option to dispose of the tires in local landfills at that time.

Mr. Steve May, of DeSoto, Iowa, will pay \$15,000 to the Department, as he was the responsible party that dumped the tires on the Anderson Farm. Goodyear and other dealers paid him for disposal.

The Department anticipates bringing further stockpile abatement contracts to the Commission for review this spring.

Ms. Stanley reviewed details of the contract with Greenman Technologies. She noted that in the past, on these types of projects, the average cleanup cost was 85 cents per tire and this time it will be \$1.75 per tire. She explained that the higher cost was due to the cleanup being spread out over six sites and having to retrieve the tires from deeper ditches. She pointed out that Greenman Technology is planning to work with UT Tire of Des Moines on this project.

Terrance Townsend inquired why there was a lack of interest in doing the cleanup.

Ms. Stanley stated that it is largely related to the fact that these are small piles and it is a lot more work.

Motion was made by Rozanne King to approve the contract for the Madison/Warren Tire Stockpile Abatement. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT January 1, 2000

Proposal	Notice to Comm	Notice Publish	ARC #	Rules Review Comm	Hearing	Comment Period	Final Summary to Comm	Rules Adopted	Rules Publish	ARC#	Rules Review Comm	Rule Effective
1. Ch. 22 – Revised Cap – Title V Permits	11/15/99	12/15/99	9536A	1/04/00	1/14/00	1/14/00	*2/21/00	*2/21/00	*3/13/00		*4/03/00	*5/14/00
2. Ch. 23 – Adoption by Reference – NESHAPS	11/15/99	12/15/99	9535A	*1/04/99	1/14/00	1/14/00	*2/21/00	*2/21/00	*3/13/00		*4/03/00	*5/14/00
3. Ch. 60, 62, 63 – Monitoring, Reporting and Analytical Requirements	10/18/99	11/17/99	9478A	12/14/99	12/10/99	12-20-99	*2/21/00	*2/21/00	*3/13/00		*4/03/00	*5/14/00
4. Ch. 65 – Animal Feeding Operation Clarification							12/20/99	12/20/99	*1/12/00		*2/08/00	12/21/99

Report of Hazardous Conditions

During the period December 1, 1999, through December 31, 1999, 55 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	52(52)	40(28)	7(11)	5(13)	22(20)	0(2)	29(24)	1(1)	0(0)	0(5)
Nov.	55(57)	32(35)	9(9)	14(13)	27(20)	1(2)	22(29)	2(1)	0(0)	3(5)
Dec.	55(41)	33(23)	9(5)	13(13)	26(21)	1(2)	20(15)	3(1)	0(0)	5(2)
Jan.										
Feb.										
Mar.										
Apr.										
May										
Jun.										
Jul.										
Aug.										
Sept.										

(numbers in parentheses for the same period in fiscal year '99)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
4	8	4	6	16	17

ENFORCEMENT REPORT UPDATE

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Edward Degeus, Britt (2)	Air Quality	Open Burning	Order/Penalty \$3,000	12/08/99
Gene Christiansen d/b/a Christiansen Construction Co., Persia (4)	Air Quality	Asbestos	Order/Penalty \$8,000	12/08/99
Chiquita Processed Foods, Ackley (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	12/08/99
Sabre, Inc., Sioux City	Hazardous Condition	Failure to Notify	Order/Penalty \$1,000	12/08/99
Ft. Dodge, City of (2)	Drinking Water	Certified Operator	Order/Penalty \$5,000	12/08/99
Ruan Leasin Co. aka Ruan Transportation Mgmt. Systems Buffalo (6)	Air Quality	Particulate	Amended Order	12/08/99

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Aaron Berry, Pottawattamie Co. (2)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty \$1,500	12/09/99
Wendall Abkes, Butler Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,000	12/09/99
Yohn Ready Mix, Inc. Hancock Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$2,000	12/09/99
Iowa City, City of (6)	Wastewater	Discharge Limits	Consent Order	12/16/99
Village Creek Bible Camp & Retreat, Lansing (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria; Public Notice	Order	12/16/99
Lansing Valley Mobile Home Park, Lansing (1)	Drinking Water	MCL – Bacteria	Order	12/16/99
Clair's Fisherman's Wharf, Dubuque (1)	Drinking Water	Permit Renewal Fee	Order/Penalty \$100	12/16/99
Ducks Bar & Grill, Aredale (2)	Drinking Water	Permit Renewal Fee	Order/Penalty \$500	12/16/99
Austin J. DeCoster, Nursery M-1, Lucas Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release	Referred to AG	12/20/99
Ledyard, City of (2)	Air Quality	Asbestos	Order/Penalty \$5,000	12/21/99
Solar Transport Co., West Des Moines (5)	Underground Tank	Illegal Deposit	Order/Penalty \$2,000	12/21/99
Mark Shipman, Corwith (2)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$1,000	12/21/99
Pine Creek Par 31 Golf Course, Mason City (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$1,250	12/22/99
Rancho Valley Homeowners Assoc., Montpelier (6)	Drinking Water	Monitoring/Reporting – Other Inorganics; Public Notice	Order/Penalty \$100	12/22/99
Dorchester Supper Club, Dorchester (1)	Drinking Water	Permit Renewal Fee	Order/Penalty \$100	12/22/99
Rimade, Inc., Manning and Audubon (4)	Solid Waste Wastewater	Other; Stowwater – Operation Without Permit	Order	12/22/99
Dave Thompson, Hancock Co. (2)	Solid Waste	Illegal Disposal	Order/Penalty \$2,000	12/22/99

Bonaparte, City of (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	12/22/99
Greig & Co., Inc., Emmet Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement, Open Feedlot	Consent Order/SEP \$4,000	12/30/99

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
* Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,430	6-05-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Russ Winkowitsch (Butler Co.)	FP	500	3-06-99
Plantation Village Mobile Home Park (Burlington)	WS	500	3-13-99
Plantation Village Mobile Home Park (Burlington)	WW	2,000	3-13-99
Full Moon Saloon (Jesup)	WS	500	4-23-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,150	6-15-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,460	6-08-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Koch's Meadow Lake Campground (Cedar Co.)	WS	200	10-01-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
# Gary Frana (Winneshek Co.)	AFO	3,000	10-13-99
# Robert McDonald (Pottawattamie Co.)	AFO	2,000	10-27-99
Somsak Phisith (Polk Co.)	SW	1,015	10-31-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	1,000	11-01-99
* Robert Simon (Dubuque Co.)	AQ/SW	2,000	11-01-99
Ethel Mann d/b/a White Springs (McGregor)	WS	1,000	11-01-99
Klunder's Kafe (New Hampton)	WS	100	11-02-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
GKN Armstrong Wheels, Inc. d/b/a Armstrong Rim & Wheel Mfg. Co. (Armstrong)	AQ	6,000	12-14-99
Winneshek Co. Memorial Hospital (Decorah)	AQ	600	12-20-99
# Leonard Rayhons; Randy Schleusner (Hancock Co.)	AFO	3,000	1-08-00
Scott Paulson (Forest City)	AQ/SW	1,000	1-11-00
* R.V. Hopkins, Inc. (Davenport)	AQ	9,200	1-16-00
Stellar Industries, Inc. (Garner)	AQ	3,500	1-16-00

Iowa Great Lakes Sanitary District (Milford)	WW	2,000	1-29-00
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Peter Orth f/d/b/a Strauss Bros. Conoco (Burlington)	UT	9,400	1-31-00
Arthur, City of	WW	1,000	2-01-00
Environmental Mgmt. Services of Iowa (Dubuque)	AQ	5,000	2-04-00
Chiquita Processed Foods (Ackley)	AQ/SW	1,000	2-08-00
Fort Dodge, City of	WS	5,000	2-08-00
Gene Christiansen d/b/a Christiansen Construction Co. (Persia)	AQ	8,000	2-12-00
Yohn Ready Mix (Hancock Co.)	AQ/SW	2,000	2-15-00
James Harter (Fairfield)	WW	1,800	-----
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	-----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
# Darwin Eimers; David O'Brien (Bremer Co.)	AFO	4,000	-----
Aaron Berry (Pottawattamie Co.)	AQ/SW	1,500	-----
Ducks Bar & Grill (Aredale)	WS	500	-----
Clair's Fisherman's Wharf (Dubuque)	WS	100	-----
Ledyard, City of	AQ	5,000	-----
Solar Transport, Inc. (West Des Moines)	UT	2,000	-----
# Mark Shipman (Corwith)	AFO	1,000	-----
Pine Creek Par 31 Golf Course (Mason City)	WS	1,250	-----
Bonaparte, City of	AQ/SW	10,000	-----
Rancho Valley Homeowners Assoc. (Montpelier)	WS	100	-----
Dorchester Supper Club (Dorchester)	WS	100	-----
Dave Thompson (Hancock Co.)	SW	2,000	-----
Wendall Abkes (Butler Co.)	AQ/SW	3,000	-----
	TOTAL	174,555	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98

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*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
	TOTAL	129,154	

The following administrative penalties have been appealed:

Hickory Hollow Water Co. (Ankeny)	WS	400
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
Tom Wiseman (Sheffield)	UT	3,500
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Ron Rupe (Polk Co.)	SW	2,000

Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Brittany Estates Addition (Manchester)	WS	4,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	9,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Eagle Lane Corp. (Blue Grass)	WS	4,000
Barr Farm Venture; Mel Foster Co. Properties (Scott Co.)	WW	10,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Underwood Motel (Underwood)	WS	4,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
Wareco System of Iowa, Inc. (Burlington)	UT	6,100
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	10,000
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Dayton, City of	WW	10,000
Williamsburg Manufacturing (Williamsburg)	AQ	3,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Woolstock, City of	WW	5,000
Fayette County Sanitary Landfill	SW	7,500
Shenandoah, City of	WW	5,000
Ivan Stoltzfus (Decatur Co.)	WW	10,000

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Gerald and Judith Vens (Scott Co.)	FP	5,000
Mid-County Water, Inc.; Spring Green Estates (Toddville)	WS	500
Anthony's Resort (Sherrill)	WS	2,100
Snap-On Tools Company (Algona)	AQ	1,500
Horsley Specialties, Inc. (Des Moines)	AQ	5,000
Hargrave-McEleney, Inc. (Iowa City)	WS	1,000
Flying J Inc. (Clive)	WW/UT	10,000
CGB Printing Co. a/k/a Rock Communications Ltd. (Newton)	AQ	10,000
Big Rock Country Club (Fayette)	WS	500
Wilcox All-Pro Tool & Supply (Poweshiek Co.)	WW	1,800
# Aaron Tolander (Louisa Co.)	AFO	3,000
Glidden, City of	AQ	1,500
Fairfield, City of	AQ/SW	10,000
GKN Armstrong Wheels, Inc. (Estherville)	AQ	3,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
Ashley Inn Motel & Trailer Court (Mason City)	WS	500
Muscatine County Sanitary Landfill	SW	10,000
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000
Beatrice Group Inc. (Fredericksburg)	AQ	5,000
Case Corporation (Burlington)	AQ	3,000
National By-Products, Inc. (Clinton)	AQ	1,500
Parker Industries, Inc. (Jefferson)	AQ	500
#Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Shine Bros. Inc. (Spencer)	AQ	10,000
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
Joe Denemark d/b/a Walnut Acres Campground (Monticello)	WS	1,000
Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	AQ	3,000
Dave & Theresa Cook d/b/a Curry Environ. Svc.(Burlington)	AQ	10,000
McGregor, City of	WS	5,000
Fernald Water System	WS	10,000
Armstrong, City of	WS	4,000
Brown Bottle Restaurant (Cedar Falls)	WS	7,000
Lorene Logue; Lester Holmes; Todd Holmes (Lucas County)	AQ	4,500
Sac County Golf and Country Club (Wall Lake)	WS	3,000
Kenny Habben (Pioneer)	AQ	5,000
Crawfordsville, City of	WS	500
Tara Hills Country Club (Van Horne)	WS	500
Barilla America Inc. (Ames)	AQ	10,000
Michael Roberts (Page Co.)	AQ	1,500
Osceola, City of	WW	5,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
GK Properties, Inc.; Greenwood Hills Estates, L.C. (Dallas Co.)	WW	6,500
Oakview Construction, Inc. (Red Oak)	AQ/SW	2,000
Omaha Cold Storage Terminals, Inc. (Ft. Dodge)	WW	1,500
Dr. Mike Miller d/b/a Eastridge Animal Center (Chariton)	AQ	2,000
Hog Slat, Inc. (Humboldt)	AQ	1,000
Edward Degeus (Britt)	AQ	3,000
Sabre, Inc. (Sioux City)	HC	1,000
TOTAL		575,925

The following administrative penalties were paid last month:

Wallace Computer Services, Inc. (Osage)	AQ	1,000
TOPS Business Forms, Inc. (Osage)	AQ	1,000
Midland International Tileworks, Inc. (Redfield)	AQ	2,000
* Jeff Bendickson; Karen Bohl (Manhly) PAID IN FULL	AQ/SW	50
Dyersville Golf and Country Club (Dyersville)	WS	500
Kind & Knox Gelatine, Inc. (Stipulated Penalty)	WW	700
Peavey Company (Dubuque)	AQ	1,500
Casey's General Store (Hills)	WS	200
TOTAL		7,475

The \$2,000 penalty assessed to North Central Cooperative (Clarion) has been rescinded.

The \$1,000 penalty assessed to Wayne Transportation, Inc. (Greene) has been rescinded.

The \$500 penalty assessed to Kraus's Serene Wooded Acres (Amana) has been rescinded.

REFERRALS TO THE ATTORNEY GENERAL

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred Petition Filed	3/15/99 9/13/99
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 1/13/00
Bodensteiner, Edward Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Trial Date	8/17/98 12/22/98 11/24/99 1/24/00
Citizens Against Golden Oval Winnebago Co. (2)	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Motion for Dismissal Resistance to Stay Hearing on Stay Petition for Stay Denied	8/20/99 9/07/99 9/07/99 9/07/99 10/05/99
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97

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DeCoster, Austin J. Sow Unit #1 (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred to Petition Filed Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal Defendant's Proof Brief Filed State's Brief Supreme Court Arguments	1/22/97 4/24/97 9/02/97 9/04/97 9/16-18/97 1/15/98 2/13/98 7/08/98 10/08/98 12/13/99
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief Ruling on Petition (\$25,000/Civil) Defendant's Notice of Appeal Defendant's Brief	8/18/97 3/20/98 3/16/99 3/30/99 5/28/99 6/24/99 11/01/99
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	NEW Animal Feeding Operation	Prohibited Discharge Confinement; Failure Report Discharge	– Referred to Attorney General to a	Referred	12/20/99
Enviro Safe Air, Inc. Sioux City (3)	Air Quality	Asbestos	Referred to Attorney General	Referred	10/18/99
Flannegan Conservation Service; Hugh J. Flannegan Emmetsburg (3)	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred Closed	11/16/98

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Grell, Don Enterprises Ft. Dodge (2)	d/b/a	Dodger	Solid Waste	Illegal Disposal	Order/Penalty	Referred	1/20/98
						Petition Filed	8/25/98
						Application for Temporary Injunction	9/28/98
						Temporary Injunction Granted	10/26/98
						State's Motion for Partial Summary Judgment	2/12/99
						Order Granting Partial Summary Judgment	3/18/99
						Trial Date	4/14/99
						Ruling (\$3,500,000/Civil)	4/22/99
						Notice of Appeal	5/17/99
Grell, Don Enterprises Ft. Dodge (2)	d/b/a	Dodger	Solid Waste	Illegal Disposal	Judicial Review	Petition Filed	10/19/98
						State's Answer	11/17/98
						Defendant's Brief	7/23/99
						State's Brief	8/24/99
						Hearing	9/09/99
						Ruling for State	11/18/99
Hahn, Oscar Solon (6)			Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	12/18/95
						Petition Filed	4/18/96
						Entry of Default	11/01/96
Henry County Supervisors Henry Co. (6)	Board	of	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Holnam Incorporated Mason City (2)			Air Quality	Excess Emissions	Referred to Attorney General	toReferred	3/15/99
Hollingsworth, Daryl & Karen Indianola (5)			Underground Tank	Financial Responsibility	Order/Penalty	Referred	10/18/99
Huyser, James; Trust Trucking Lovilia (5)			Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Iowa Millenium Investors, LLC Des Moines (5)			Underground Tank	Site Assessment	Order/Penalty	Referred	10/18/99
LaFarge Corporation Davenport (6)			Air Quality	Excess Emissions	Referred to Attorney General	toReferred	3/15/99
Larson, Daryl Jones Co. (1)			Animal Operation	Feeding Freeboard Cleanup Costs	Referred to Attorney General	Referred	5/17/99
Lehigh Portland Cement Co. Mason City (2)			Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed	8/17/98 11/05/99

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Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Mills County Landfill Assn. & Remonot County Landfill Assn. Mills Co. (4)	Solid Waste	DNR Defendant Defense	Petition Filed Answer Filed	11/05/99 11/29/99
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Polk Co. (5)	Solid Waste	Permit Violations	Order/Permit Revocation Judicial Review Petition Filed Ruling for State Notice of Appeal	12/21/97 6/12/98 7/19/98
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General Referred Petition Filed Application for Temporary Injunction Temporary Injunction	12/15/97 10/02/98 2/04/99 4/19/99
Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6)	Underground Tank	Insurance Violation; Site Check	Order/Penalty Referred Petition Filed Trial Date	11/16/98 4/08/99 12/04/00
Phillips, Jeff; Phillips Recycling Story Co. (5)	Wastewater	Stormwater; Operation Without Permit	Order/Penalty Referred	8/16/99
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Sale-R-Villa Construction Co. Carl A. Burkhart Perry (5)	Air Quality	Asbestos	Order/Penalty Referred Motion for Judgment Hearing Order Granting Judgment (\$7,000/Admin.)	3/15/99 9/21/99 11/02/99 11/02/99
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Penalty Referred	6/21/99
Stamper, Ray; Bryan Zenor Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty Referred Motion for Judgment Hearing Judgment (\$2,000/Admin.)	6/21/99 9/03/99 11/30/99 11/30/99

Village Realty Pottawattamie Co. (4)	Underground Tank	DNR Defendant Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal	8/12/98 10/08/98 12/22/98
Walker, Jim Iowa City (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty Referred	10/18/99
Weber Construction, Inc. Cascade (1)	Air Quality	Asbestos	Petition for Review Petition Filed Answer Filed Hearing Ruling for State Notice of Appeal	11/19/98 12/23/98 8/24/99 8/31/99 9/27/99
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed	4/20/98 2/05/99 9/24/99 11/15/99
Wunschel Oil Co.; Vernus Wunschel And Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty Referred	5/17/99

CONTESTED CASES

DATE RECEIVED	NAME OF CASE	FO	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6/08/89	Shaver Road Investments	1	Site Registry	HW	Tack	Settled. Consent order signed 9/29/99.
6/08/89	Hawkeye Rubber Mfg. Co.	1	Site Registry	HW	Tack	Settled. Consent order sent to responsible party for signature.
6/08/89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	Hearing continued. Status report requested from land quality bureau 12/1/99.
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Murphy	Settlement proposed.
5/14/90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 - F.O. 5 letter to City regarding resolution of permit issues.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Murphy	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Murphy	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
8/01/90	J.I. Case Company	6	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site. Checked status 6/9/99. No change.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	DNR engineers reviewing documents. Closure permit application due 8/1/99. Revised closure permit application submitted 9/15/99.
1/17/92	Hickory Hollow Water Co.	5	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal. Dept. to offer settlement proposal.
4/09/92	Wayne Transports, Inc.	2	Admin. Order/Penalty	WW	Murphy	12/99. Closed. Penalty rescinded.

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5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Negotiating within bankruptcy proceeding.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. To be set for hearing.
4/12/93	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits. Dept. letter regarding resolution of appeal.
7/09/93	Oakwood Park Water, Inc.	5	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal. Dept. to offer settlement proposal.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford (7LTY50)	4	Admin. Order	UT	Wornson	Tier 2 submitted. Rejected. Revised Tier 2 submitted 8/3/99, rejected. Revised Tier submitted 12/15/99.
3/03/94	Burlington Northern Railroad		Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent. Response requested by 6/28/96. Follow-up letter sent. Response from company that appeal is being reviewed. Dept. letter to facility regarding closing appeal.
7/12/94	Tom Wiseman (8LTP62)	2	Admin. Order/Penalty	UT	Wornson	Compliance initiated 5/25/99; due 12/31/99.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service (8LT088)	4	Admin. Order/Penalty	UT	Wornson	Placed on state lead. Dismissed without prejudice.
8/29/94	B and B Tire and Oil	4	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. High risk. CADR due 12/31/99. Penalty to be settled.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal.
9/26/94	James D. Foust	5	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. To be set for hearing.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff.
2/23/95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96. 12/28/99 Dept. letter to facility attorney regarding setting appeal for hearing and also resolution of the appeal.
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5/25/95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Settlement offer made 12/16/99.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96. Dept. letter to facility's engineer regarding resolving appeal.
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7/10/95	Donald Krieger	3	Admin. Order/Penalty	UT	Wornson	Tanks removed. Dismissed without prejudice.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/06/95	Kraft Foods Inc.; Oscar Mayer Division	6	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information. 6/96 - additional information received by WS staff for review. 7/96 - Request for variance, as modified, granted. 8/96 - Construction permit for new well granted. 10/96 - Letter to engineer regarding dismissal of appeal. 12/28/99 Dept. letter to facility engineer closing appeal.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
10/17/95	Weber Construction, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. Briefs due to EPC 9/4/97. ALJ decision upheld. Petition for review 11/19/98. Appealed to District Court. District Court affirmed final agency action. Awaiting appeal period.
11/03/95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12/12/95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3/14/96	Laurel, City of	5	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section.
3/14/96	Lamoni, City of	5	Admin. Order	WW	Hansen	Flow information requested from City's engineer. New waste load allocation and permit limits requested by facility engineer. 12/20/99 Dept. letter with new waste load allocation and ammonia nitrogen limits for treatment facility.
3/22/96	Mt. Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3/26/96	Louisa-Muscataine Community School	6	Admin. Order/Penalty	WS	Hansen	12/28/99 WS in compliance. Dept. to send settlement offer regarding penalty.

5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review.
5/14/96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 - Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff
5/29/96	Haasco, Ltd.	1	Admin. Order/Penalty	AQ	Preziosi	Settlement close. Consent order sent to be signed.
6/07/96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Negotiating before filing. Settlement meeting set for 11/17/99. Hearing set for 12/14/99.
6/10/96	DeCoster Farms of Iowa (19 sites)	2	Admin. Order	AFO	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6/10/96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin. Order/Penalty	AFO	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Final penalty installments received 10/15/99. Settled.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	2	Admin. Order	AFO	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
12/02/96	Organic Technologies Corp.	5	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
12/05/96	Organic Technologies Corp. -----SDP-02-94P	5	Admin. Order/Penalty Intended Permit Revoc.	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
1/02/97	Ruan Leasing Co., aka Ruan Transportation Management Systems	6	Admin. Order	AQ	Preziosi	Settled.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
7/30/97	Country Pumpkin	4	Admin. Order/Penalty	WS	Hansen	Returned to compliance for nitrate and bacteria sampling. 12/23/99 - Letter to WS attorney regarding resolution of appeal.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	2	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Mgmt. Comm.	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette County. Hearing for Iowa Waste Systems set for 1/24/00. Amended order appealed 10/29/99.
8/18/97	Stellar Industries Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
10/6/97	North Central Cooperative	2	Admin. Order/Penalty	HC/WW	Murphy	Set for hearing 12/28/99.
12/02/97	Dows, City of	2	Admin. Order	WW	Hansen	F.O. 2 inspection 3/98. To be set for hearing. 4/99 - Letter received from City engineer regarding stream study.
12/12/97	Donald E. Grell; Dodger Enterprises Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/30/98	Rockwell City	3	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	4	Admin. Order/Penalty	AQ	Brabec	Hearing rescheduled for 1/11/00. Settlement meeting to be held 1/03/00.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp		Admin. Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close. Monitoring required Spring 2000.
4/23/98	North Liberty, City of	6	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	1	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS. 12/28/99 - WS in compliance. Dept. to send settlement offer regarding penalty.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/27/98	Mitchell Dam Bar		Permit Conditions	WS	Hansen	Negotiating before filing.
7/29/98	Eagle Lane Corporation	6	Admin. Order/Penalty	WS	Hansen	Water supply in compliance with monitoring requirements.
7/29/98	Archer Daniels Midland 507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Settlement close.

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8/13/98	Obie's Hurstville Tap	1	Admin. Order	WS	Murphy	Order rescinded. Closed.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Kaizer	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up continuing.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested.
10/09/98	Elm's Corporation of Linn County (8LTX55)	1	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Tanks removed. Tier 2 overdue. Tier 1 submitted 10/14/99. Awaiting review.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	5	Admin. Order/Penalty	WW	Murphy	Settlement meeting 12/8/99.
11/05/98	Jim Arenson Chevrolet		Permit Revisions	WS	Hansen	WS installed chlorination equipment and submitted as-builts to Dept. on 7/22/99. 7/28/99 - Dept. comment letter to WS regarding as-builts. 7/21/99 - FO 1 inspection of new equipment and report. 10/1/99 - WS certificate of completion of project received by Dept. 12/30/99 - Dept. letter closing appeal. Closed.
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	6	Admin. Order/Penalty	WW	Murphy	Settlement offer 12/24/99.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	4	Admin. Order/Penalty	WS	Hansen	Sanitary survey completed by F.O. 4. Public notice posted. 12/29/99 WS to connect to regional water by Spring 2000.
12/01/98	Dyersville Golf & Country Club	1	Admin. Order/Penalty	WS	Murphy	Settled. Penalty paid. Closed.
12/07/98	Krauss Serene Wooded Acres	6	Admin. Order/Penalty	WS	Murphy	Settled 12/28/99. Amended order to be issued. Penalty rescinded.
12/16/98	Richard Swales		Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	1	Admin. Order/Penalty	SW	Tack	Hearing requested.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
1/29/99	Wareco Services, Inc.	6	Admin. Order/Penalty	UT	Wornson	Compliance nearly complete. Negotiating penalty.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	Settlement proposed 9/99.
2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/23/99	Dennis Sharkey, Sr.	1	Admin. Order/Penalty	AQ/SW	Tack	Hearing held 12/17/99.
3/01/99	Williamsburg Manufacturing	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	Engineering report submitted 5/99; 8/99 - under review.
3/04/99	Paris & Sons; Thomas Paris	1	Admin. Order/Penalty	WW/HC	Wornson	Settlement reached. Penalty paid. Finalize settlement agreement..
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WS	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18 & 19/99. Settled. Administrative consent order with penalty agreed upon.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WW	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18 & 19/99. Settled. Administrative consent order with penalty and compliance schedule agreed upon.
3/16/99	Des Moines Independent School District - North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing continued. Second settlement meeting set for 8/18/99.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin. Order/Penalty	WW	Hansen	Compliance initiated by City. To be set for hearing regarding penalty.
4/08/99	Fayette County Sanitary Landfill	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette Co. Hearing set for 1/24/00 for Iowa Waste Systems.
4/09/99	Ivan Stoltzfus	5	Admin. Order/Penalty	WW	Tack	Hearing set for 2/25/00.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/15/99	Shenandoah, City of	4	Admin. Order/Penalty	WW	Murphy	Hearing set for 2/17/00.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
4/28/99	Mid-County Water, Inc.	1	Admin. Order/Penalty	WS	Hansen	WS informed Dept. sampling will be done as required during appropriate sampling period (June 1999). 10/15/99 - WS collected nitrate sample. WS returned to compliance with lead, copper and nitrate monitoring and has completed public notice. 12/30/99 - Dept. letter regarding settlement offer.
4/30/99	Anthony's Resort	1	Admin. Order/Penalty	WS	Hansen	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies. Chlorination installed at WS.
5/06/99	Hargrave McEleney, Inc.	6	Admin. Order/Penalty	WS	Hansen	Amended order to be issued.
5/12/99	Lehigh Portland Cement Co. 99-A-225	2	Construction Permit Conditions	AQ	Preziosi	Settled.
5/12/99	Lehigh Portland Cement Co. 99-A-179	2	Construction Permit Conditions	AQ	Preziosi	Settled.

5/18/99	Horsley Specialties, Inc.	5	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/27/99	CGB Printing aka Rock Communications	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/28/99	Flying J Inc.	5	Admin. Order/Penalty	WW/UT	Murphy	Settlement proposed by Dept. 12/10/99.
6/28/99	Big Rock Country Club	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
6/28/99	Wilcox All-Pro Tools & Supply	5	Admin. Order/Penalty	WW	Tack	Settled. Awaiting penalty payment.
6/28/99	Farmland Industries, Inc. (Eagle Grove)	2	Construction Permit Conditions	AQ	Preziosi	Settlement close.
7/13/99	Aaron Tolander	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/16/99	Fairfield, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made 12/16/99.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/16/99	Glidden, City of	4	Admin. Order/Penalty	AQ	Brebac	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing set for 2/28/00.
8/04/99	Ashley Inn Motel and Trailer Court	2	Admin. Order/Penalty	WS	Hansen	F.O. 2 inspection on 7/21/99. Letter received 9/27/99 regarding compliance with AO. 11/99 – Lead and copper sample taken, facility returned to compliance. 12/30/99 – Dept. letter regarding settlement offer.
8/06/99	GKN Armstrong Wheels, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/11/99	Beatrice Group, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
8/19/99	Case Corporation	6	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/19/99	Brogan's Pub & Grub	1	Admin. Order/Penalty	WS	Tack	Settled. Penalty paid 11/99.
8/25/99	Parker Industries	4	Admin. Order/Penalty	AQ	Preziosi	Settled. Paid \$500 on 12-10-99.
8/25/99	National By-Products, Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/08/99	Joe Denmark d/b/a Walnut Acres Campground	1	Admin. Order/Penalty	WS	Wornson	Partial compliance. Consent order signed. Closed.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/08/99	Fibre Body	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/09/99	Winneshek County Memorial Hospital	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	12/29/99 – Appeal reviewed by wastewater permit writer.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	12/99 – FO and WS tracking compliance.
8/13/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Dave & Theresa Cook d/b/a Curry Environmental Services	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/13/99	Stellar Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment. Payment ment schedule established.
9/24/99	Lorene Logue; Willy Holmes; Todd Holmes	5	Admin. Order/Penalty	AQ	Tack	Negotiating before filing.
9/29/99	McGregor, City of	1	Admin. Order/Penalty	WS	Murphy	12/99 - FO is monitoring construction progress.
9/29/99	Armstrong, City of	3	Admin. Order/Penalty	WS	Hansen	City has agreed to take action required by order for installation of treatment. 10/14/99 – City completed lead education program. 10/13/99 – Dept. issued construction permit. 12/28/99 – Call from City – construction nearly complete.
9/30/99	Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/11/99	Kenny Habben	2	Admin. Order/Penalty	AQ	Tack	Negotiating before filing.
10/12/99	Fernald Water System	5	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
10/12/99	Brown Bottle Restaurant	1	Admin. Order/Penalty	WS	Hansen	WS submitted preliminary engineering report regarding nitrate reduction. WS to install an ion exchange unit. Still need to submit construction permit applications and a schedule. Report dated 10/29/99 submitted to Dept. Review completed by Dept. WS engineer. Facility engineer to submit construction permit application and schedule.
10/14/99	Crawfordsville, City of	6	Admin. Order/Penalty	WS	Murphy	Settlement offer 12/13/99.
10/15/99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
10/19/99	Tara Hills Country Club	1	Admin. Order/Penalty	WS	Murphy	12/99 – Facility closed for the season. Chlorination facilities approved. Will check status in Spring 2000.
10/19/99	Dean Larsen (Martin Marietta)		Water Use Permit	WR	Clark	Hearing set for 1/7/00.
10/22/99	Barilla America, Inc.	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
10/22/99	Greenwood Hills Estates, L.C. and GK Properties, Inc.	5	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Site inspected for compliance 12/10/99.
11/03/99	Cargill, Incorporated (Cedar Rapids)	1	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/04/99	GKN Armstrong Wheels d/b/a3 Armstrong Rim & Tire	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Negotiating before filing.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute.
11/12/99	Cargill, Incorporated (Iowa Falls)	2	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Negotiating before filing.

11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	New case.
12/08/99	Cargill, Incorporated (Sioux City)	3	Permit Conditions	AQ	Preziosi	New case.
12/08/99	Oakview Construction	5	Admin. Order/Penalty	AQ/SW	Tack	New case.
12/13/99	Omaha Cold Storage Terminals	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Letter sent 12/23/99.
12/13/99	Hog Slat	2	Admin. Order/Penalty	AQ	Brabec	New case.
12/17/99	Sabre, Inc.	3	Admin. Order/Penalty	HC	Murphy	Negotiating before filing. Letter sent 12/22/99.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	New case.
12/22/99	Dr. Michael Miller d/b/a Eastridge Animal Center	5	Admin. Order/Penalty	AQ	Preziosi	New case.

Mr. Valde drew attention to the Grieg & Co. Inc. case on the Enforcement Report, which dealt with a fish kill, noting that in lieu of a penalty they will be allowed to participate in a Supplemental Environmental Project (SEP).

Mike Murphy stated that the amount involved in the Greig case was \$3,000 and normally those types of Orders are brought to the Commission for approval because of a special Code provision. He related that it does not apply in this case because there is not a penalty. He noted that he sent the Commission a memo explaining the Supplemental Environmental Project concept. Mr. Murphy stated that the Director is interested in utilizing this concept where appropriate. He explained that in fish kills the restitution always went into a general fund and was not used to benefit the stream that was affected. The Fish & Wildlife Division will now spread back the moneys collected for fish restitution to the locality where the incident occurred. Mr. Murphy indicated that in the Greig case there was a payment made, in lieu of a penalty, to a program with worthwhile benefits to the environment.

Director Johnson commented that he spoke about this concept with Don Brazelton, County Conservation Boards President, and the reason he is focusing on the CCB's now is to keep it as simple as possible, so it will not require a lot of staff time. He explained that if we worked with a large number of entities it would require so much time and work that it would be almost impossible to do. He related that it would be easier to work with one group, and periodic reports will be requested from the CCB's. Director Johnson further explained that the department may be able to settle these cases more quickly if the responsible party knows the money is going to something in the community to make it better. He related that Mike Murphy has developed a protocol for the SEP project and staff will report back to the Commission on this each month.

Rita Venner expressed concern about whether these cases would avoid a strike against them by settling through a SEP.

Director Johnson noted that the department would need to track these cases so habitual violators cannot be excused from a strike more than once.

Rozanne King asked how this program came about.

Director Johnson replied that it has always been available but never used, and he has asked staff to look into using this concept whenever possible.

Gary Priebe asked if this leaves the Greig case off the violators list.

Mr. Murphy stated that they have a record of the violation but, in effect, they avoided getting a strike because they avoided a penalty. He related that these cases would be tracked and they would not be allowed to do another SEP. He added that the department will provide an annual report on these cases.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Chairman Ehm announced public participation at 1:50 p.m.; no one present requested to speak.

SOLID WASTE DISPOSAL DATA SYSTEM DEVELOPMENT CONTRACT APPROVAL

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve an agreement with Iowa State University (ISU) for final development of the automated data management system that was approved in November 1998. The agreement will be for one year starting on March 1, 2000 at a cost of \$36,992.

This is the second year of a planned two-year effort. Since March of 1999 ISU has been working on developing the data management system, which includes review of the rule requirements for groundwater monitoring and reporting; review of submitted landfill groundwater monitoring reports from one facility for format, consistency and quality of data. The outcome of the review process was the development of ten data tables to serve as the basis for the data system and a preliminary recommended standard format for the annual landfill groundwater monitoring reports. The historical groundwater monitoring data from the one facility was captured and inputted into the system. Preliminary work was done on developing the statistical and trend analysis tools. Preliminary work was also done on the methodology for direct downloading of report information from the permit holder to the data management system either by disk or electronic filing.

During the coming year, work will be completed on the statistical and trend analysis tools, the direct downloading of groundwater report information, the standard DNR report formats and the overall data base system. Historical groundwater report data from additional landfills will be entered into the system for system testing. Once the system is operational, a training seminar for DNR staff and the regulated community will be given on the format, structure and use of the data management system.

Mr. Valde presented details of the contract.

Brief discussion followed.

Motion was made by Rozanne King to approve the Solid Waste Disposal Data System Development contract. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACT

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a contract with Iowa State University for a project entitled Upper Maquoketa River Monitoring, in the amount of \$155,000. This contract is supported by Section 319 grant funds awarded to the Department for this purpose. A water quality monitoring program was initiated in the Upper Maquoketa River watershed in northeast Iowa in 1998 with funding from other sources, and the funding provided by this contract will continue the monitoring through calendar year 2000.

One Maquoketa River site and three subwatershed sites have been and will continue to be monitored for flow and water quality. Specifically, water samples collected at each site are being analyzed for nitrogen, phosphorus, chemical oxygen demand, and suspended sediments. Monitoring results will be used, in conjunction with water quality modeling being done by ISU's Center for Agricultural and Rural Development and the Texas Institute for Applied Agricultural Research, to evaluate the potential water quality impacts associated with implementation of alternative best management practices on agricultural lands in the Upper Maquoketa River Watershed.

Results of both the monitoring and modeling activities are expected to be used in implementing future water quality projects in the Maquoketa River basin, including several projects which are expected to begin in calendar year 2000 with Section 319 funding.

Contract funds will be used to support staff and expenses for collecting and processing water samples.

Mr. Valde reviewed the project in detail

Brief discussion followed.

Motion was made by Kathryn Murphy to approve the Nonpoint Source Pollution Control Project contract as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

STATE REVOLVING FUND – INTENDED USE PLAN, FY 2000 (CLEAN WATER)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

An Intended Use Plan (IUP) for the FY 2000 Clean Water State Revolving Fund will be recommended for approval. The Environmental Protection Commission was previously provided a proposed Intended Use Plan for information in November. A public meeting to allow input on the proposed plan was held on December 8, 1999.

The IUP includes the State Project Priority List, which is the list of projects proposed to receive loan assistance in FY 2000. Section IX of the IUP mentions the comments received and the resulting revisions. EPA requires opportunity for public input on the IUP and Project Priority List. A final IUP is now presented for commission adoption following consideration of comments and revisions to the proposed IUP. An application for the FY 2000 capitalization grant will be submitted to EPA in order to get a commitment for federal funds now available. Commission approval of the IUP will allow projects to proceed on a reimbursable basis.

(A copy of the Intended Use Plan is on file in the Department's Records Center)

Mr. Valde stated that public hearings were held on the IUP and comments were received from EPA. He noted that there is approximately \$8,000,000 additional funding available if suitable projects come up. He related that during the comment period new applications were received and were added to the list.

Rozanne King asked for an explanation of EPA's comment #2.

Wayne Farrand, Wastewater Section Supervisor, stated that there were not sufficient applications to use the full capitalization grant, and the department did not indicate they would not request the entire capitalization grant if we did not have the applications. EPA was concerned that the department would request the full capitalization grant and would not have anybody to make loans to. He related that staff modified some wording in the grant to say we may not request all of the capitalization grant if there was no one to make loans to.

Motion was made by Terrance Townsend to approve the State Revolving Fund – Intended Use Plan for FY 2000. Seconded by Elizabeth Christiansen. Motion carried unanimously.-

APPROVED AS PRESENTED

EMISSION INVENTORY AGREEMENT WITH IOWA WASTE REDUCTION CENTER

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached agreement between the Department and the Iowa Waste Reduction Center (IWRC). This agreement is entered into for the purpose of

providing the Department assistance in developing a comprehensive air emissions inventory in Scott County, Iowa. The Scott County emission inventory project will be used for State Implementation Plan development, regional air quality dispersion modeling assessments, and control strategy development.

IWRC assists small businesses with air permitting requirements, emission estimations, and determination of regulatory status and compliance requirements. They also provide small businesses with on-site visitations for compliance and pollution prevention assistance, and information concerning alternative technologies, process changes, procedures and methods of operation that help reduce air pollution.

The agreement is for the period of February 1, 1999 through December 31, 2000. The agreement will be financed by a U.S. Environmental Protection Agency Grant of \$25,000 under the Pollution Prevention Incentives for States Grant Program and an air program grant of \$5,000 from the State of Iowa Department of Natural Resources.

Mr. Valde reviewed details of the agreement. He pointed out a error in the item brief noting that the date of February 1, 1999 should say February 1, 2000.

Brief discussion followed.

Motion was made by Gary Priebe to approve the Emission Inventory Agreement with the IWRC. Seconded by Elizabeth Christiansen. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION FOR UNIFORM WAIVER RULES

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission will be asked to approve the attached draft Notice of Intended Action to adopt new 567 chapter 13, "Waivers or Variances from Administrative Rules." The purpose of these amendments is to adopt the uniform waiver rules as directed by Governor Vilsack in Executive Order No. 11, issued on September 14, 1999. Per that Order, we are to initiate rule-making to adopt the Uniform Waiver Rule no later than February 1, 2000. A summary of that Order is attached.

The Commission will be asked to adopt by cross-reference the rulemaking affecting 561-chapter 10, which will be published in the January 26, 2000, issue of the Iowa Administrative Bulletin. A copy of this is also attached.

The Department's intention is to adopt the uniform waiver rules or parts thereof as necessary to comply with the Executive Order. These changes will be made applicable to all parts of the

department of Natural Resources, as an umbrella agency, in concurrent or subsequent rulemaking actions. Each rulemaking authority may make revisions that it deems appropriate.

It is important to note that adoption of these uniform rules will not affect existing rules of the Commission which provide for waivers or variances. The criteria and procedures for existing waiver or variance rules will stay the same.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 17A.3 and 455A.6, the Environmental Protection Commission of the Department of Natural Resources hereby gives Notice of Intended Action to adopt new chapter 13, "Waivers or Variances from Administrative Rules."

The purpose is to adopt the uniform waiver rule as directed by Governor Vilsack in Executive Order No. 11, issued on September 14, 1999.

The proposed action is to adopt by reference the rulemaking affecting 561-chapter 10. A Notice of Intended Action in that rulemaking was published as ARC [to be inserted] in the January 26, 2000, Iowa Administrative Bulletin.

These rules are intended to implement Executive Order No. 11.

The following new chapter is proposed:

Adopt the following **new 567**—Chapter 13:

**CHAPTER 13
WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES**

567-13.1(17A) Adoption by reference. The commission adopts by reference 561-Chapter 10, Iowa Administrative Code, provided that the word "commission" is substituted for "department" throughout.

567-13.2(17A) The director shall submit a report of decisions on requests for waivers or variances to the commission at its regular meetings.

This rule is intended to implement Executive Order No. 11.

**NATURAL RESOURCES DEPARTMENT [561]
Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 17A.3(1)"b" and 455A.4, the Director of the Department of Natural Resources hereby gives Notice of Intended Action to adopt new Chapter 10, "Waivers or Variances from Administrative Rules."

The proposed rules implement Executive Order No. 11, signed by Governor Vilsack on September 14, 1999. The Executive Order establishes uniform rules for waivers or variances from administrative rules. The other rulemaking agencies within the Department are or will be adopting this chapter by reference, through concurrent or subsequent rulemaking proceedings.

Any interested persons may make written suggestions or comments on the proposed amendments on or before February 15, 2000. Written comments should be directed to Anne Preziosi, Department of Natural Resources, Air Quality Bureau, 7900 Hickman, Urbandale, Iowa 50322; (515) 281-6243; fax (515) 242-5094. Requests for a public hearing regarding this rule making must be submitted in writing to the above address by that date.

The Department has determined that the proposed rules will have a favorable impact on small businesses within the meaning of Iowa Code section 17A.4A(2)"b."

The proposed amendments are intended to implement Iowa Code chapter 17A.

The following new chapter is proposed.

Adopt the following **new** 561—Chapter 10:

CHAPTER 10
WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

561--10.1[17A,455A] Applicability. This chapter outlines a uniform process for the granting of waivers or variances from rules adopted by the department. As used in this chapter, the term "director" includes the director's designee.

561--10.2[17A,455A] Authority. A waiver or variance from rules adopted by the department may be granted in accordance with this chapter if:

10.2(1) The department has exclusive rule-making authority to promulgate the rule from which waiver or variance is requested or has final decision-making authority over a contested case in which a waiver or variance is requested; and

10.2(2) No statute or rule otherwise controls the granting of a waiver or variance from the rule from which waiver or variance is requested.

561--10.3[17A,455A] Interpretive rules. These uniform waiver and variance rules shall not apply to rules that merely define the meaning of a statute or other provisions of law or precedent if the department does not possess delegated authority to bind the courts to any extent with its definition.

561--10.4[17A,455A] Compliance with statute. No waiver or variance may be granted from a requirement imposed by statute. Any waiver or variance must be consistent with statutes.

561--10.5[17A,455A] Criteria for waiver or variance. The director may issue an order, in response to a petition or on its own motion, granting a waiver or variance from a rule adopted by the department, in whole or in part, as applied to the circumstances of a specified person if the director finds that:

10.5(1) Application of the rule to the person would result in hardship or injustice to that person;

10.5(2) Waiver or variance on the basis of the particular circumstances of that specified person would be consistent with the public interest; and

10.5(3) Waiver or variance in the specific case would not prejudice the substantial legal rights of any person.

10.5(4) In determining whether waiver or variance would be consistent with the public interest the director shall consider whether, if the waiver or variance is granted, the public health and safety will be protected by other means that are substantially equivalent to full compliance with the rule.

561--10.6[17A,455A] Discretion. The decision regarding whether the circumstances justify the granting of a waiver or variance shall be made at the discretion of the director, upon consideration of all relevant factors.

561--10.7[17A,455A] Mandatory waivers or variances. In response to the timely filing of a completed petition requesting a waiver or variance, the director shall, except to the extent prohibited by statute, grant a waiver or variance of a rule, in whole or in part, as applied to the particular circumstances of a specified person, if the director finds that the application of all or a portion of the rule in question to the circumstances of that specified person would not, to any extent, advance or serve any of the purposes of the rule.

561--10.8[17A,455A] Burden of persuasion. The petitioner shall assume the burden of persuasion when a petition is filed for a waiver or variance from a department rule.

561--10.9[17A,455A] Special waiver or variance rules not precluded. This chapter shall not preclude the department from granting waivers in other contexts or on the basis of other standards if a statute or other department rule authorizes the director to do so, and the director deems it appropriate to do so.

561--10.10[17A,455A] Administrative deadlines. When the rule from which a waiver or variance is sought establishes administrative deadlines, the director shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all persons governed by the particular rule.

561--10.11[17A,455A] Filing of petition. A petition for a waiver or variance shall be submitted in writing to the department, as follows:

10.11(1) Contested cases. If the petition relates to a pending contested case, the petition shall be filed in the contested case proceeding. The director may elect not to rule on the waiver petition until the resolution of the contested case proceeding.

10.11(2) Other. If the petition does not relate to a pending contested case, the petition may be submitted to the director.

561--10.12[17A,455A] Contents of petition. A petition for waiver or variance shall include the following information where applicable and known to the petitioner:

10.12(1) The name, address, and telephone number of the person or entity for whom a waiver or variance is being requested, and the case number of any related contested case.

10.12(2) A description and citation of the specific rule from which a waiver or variance is requested.

10.12(3) The specific waiver or variance requested, including the precise scope and operative period that the waiver or variance will extend.

10.12(4) The relevant facts that the petitioner believes would justify a waiver or variance. This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver or variance.

10.12(5) A history of any prior contacts between the department and the petitioner for the past 5 years, including a description of each affected permit held by the petitioner, and any notices of violation, administrative orders, contested case proceedings, and lawsuits involving the department and the petitioner.

10.12(6) Any information known to the petitioner regarding the department's treatment of similar cases.

10.12(7) The name, address, and telephone number of any public agency or political subdivision of the state or federal government which also regulates the activity in question, or which might be affected by the grant of a waiver or variance.

10.12(8) The name, address, and telephone number of any person or entity who would be adversely affected by the grant of a petition.

10.12(9) The name, address, and telephone number of any person with knowledge of relevant facts relating to the proposed waiver or variance.

10.12(10) Signed releases of information authorizing persons with knowledge regarding the request to furnish the department with information relevant to the waiver or variance.

561--10.13[17A,455A] Additional information. Prior to issuing an order granting or denying a waiver or variance, the director may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the director may, on his or her own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the director.

561--10.14[17A,455A] Notice. The petitioner shall serve by certified mail notice of the pending petition and a concise summary of its contents upon all persons to whom notice is required by any provision of law, within 30 days of submission of the petition. The petitioner shall provide a written statement to the department attesting that the required notice has been provided. The department shall acknowledge a petition upon receipt, and, in addition, the department may give notice to other persons.

561--10.15[17A,455A] Hearing procedures. The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply to any petition for a waiver or variance of rule filed within a contested case, and shall otherwise apply to department proceedings for a waiver or variance only when the department so provides by rule or order or is required to do so by statute.

561--10.16[17A,455A] Ruling. An order granting or denying a waiver or variance shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

561--10.17[17A,455A] Conditions. The director may condition the grant of the waiver or variance on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question through alternative means.

561--10.18[17A,455A] Time for ruling. The director shall grant or deny a petition for a waiver or variance as soon as practicable but, in any event, shall do so within 120 days of receipt of the petition, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the director shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

561--10.19[17A,455A] When deemed denied. Failure of the director to grant or deny a petition within the required time period shall be deemed a denial of that petition by the department.

561--10.20[17A,455A] Service of order. Within seven days of its issuance, any order issued under this chapter shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

561--10.21[17A,455A] Public availability. Subject to the provisions of Iowa Code section 17A.3(1)"e," the department shall maintain a record of all orders granting and denying waivers

and variances under this chapter. All final rulings in response to requests for waivers or variances shall be indexed and available to members of the public.

561--10.22[17A,455A] Voiding or cancellation. A waiver or variance is void if the material facts upon which the request is based are not true or if material facts have been withheld. The director may at any time cancel a waiver or variance if the director finds that the facts as stated in the request are not true; material facts have been withheld; the alternative means of compliance provided in the waiver or variance have failed to achieve the objectives of the statute; or the requester has failed to comply with the conditions of the order.

561--10.23[17A,455A] Violations. Violation of conditions of the waiver or variance approval are equivalent of violation of the particular rule for which the waiver or variance is granted and are subject to the same remedies or penalties.

561--10.24[17A,455A] Defense. After the director issues an order granting a waiver or variance, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

These rules are intended to implement Iowa Code chapters 17A, 21, 22, and 455A.

Date

Paul w. Johnson, Director

Mike Murphy stated that the Governor, through an Executive Order, directed State agencies to adopt uniform waiver rules. He related that the Department is responding in the manner as with many of the procedural rules and the Director will adopt the last six pages of the packet, and each Commission or rulemaking entity within DNR will adopt by reference with any modifications they feel appropriate. He noted that this rule basically states the Commission will adopt the same rules the Director does and require reports to the Commission on variances and waivers that are granted. Mr. Murphy stated that there are already various waiver and exemption rules and the Commission is provided monthly reports on those, adding that will not change.

Rita Venner asked about the Summary, under 1(e), if that is the same as it always has been.

Mr. Murphy explained that it means the Executive Order does not supersede where the Department already has waiver authority.

Chairman Ehm asked if there has been a problem throughout State government that has the Governor concerned.

Mr. Murphy explained the issues and added that there are some people in the legal community that think there are problems with some agencies in regard to waiver rules.

Motion was made by Rita Venner to approve Notice of Intended—Chapter 13, Uniform Waiver Rules. Seconded by Elizabeth Christiansen. Motion carried unanimously.

APPROVED AS PRESENTED

LEGISLATIVE RECEPTION REVIEW

Director Johnson stated that the legislation reception would be held in the main lobby of the Wallace Building tomorrow morning. He related that Larry Wilson would review the procedures and legislative proposals with the Commission.

Larry Wilson presented details of the legislative reception tomorrow noting that the Natural Resource Commission and their proposals will be included this year. He distributed hand-outs of the legislation proposals and introduced NRC commissioners Bill Sullivan, Joan Schneider, Rich Garrels, and staff members Al Farris, Mike Carrier and Mike Brandrup. Mr. Wilson and Director Johnson explained each legislative proposal in detail. The legislative proposals were assigned to Commissioners and staff as follows:

- Increase Waste Tire Management Fund - Terry Townsend
- Electric Utility Restructuring - Larry Bean
- Dark Sky - Larry Bean
- Water and Sanitary Disposal Service Disclosure - Terry Townsend
- Water Quality Initiative - Bill Ehm
- Private Septic Disposal System Inspections - Terry Townsend
- Confined Animal Feeding Operations - Jim Braun
- Environmental Protection Fund - Gary Priebe
- Code Corrections - Roya Stanley, Division Administrator – Waste Management Assistance
- Civil Penalties - Kathryn Murphy
- Special Waste Authorization - Elizabeth Christiansen and Roya Stanley
- Environmental Siting - Elizabeth Christiansen
- Private Septic Disposal Hauling Fees - Elizabeth Christiansen
- Hazardous Waste Fees - Elizabeth Christiansen
- Solid Waste Tonnage Fees for Transfer Stations - Elizabeth Christiansen
- Transfer Station Siting Requirements - Elizabeth Christiansen
- Hazardous Materials Collection Support - Gary Priebe

Rozanne King agreed to tag team with Elizabeth Christiansen.

GENERAL DISCUSSION

Commissioner Resignation

Chairman Ehm, stated that over the past year he had occasion to visit with Paul Johnson on water quality and other projects happening in the state. He noted that Paul, the staff, and Commission has tried their best to get a water quality monitoring program in place and there are some good strong efforts coming from the Capitol to bring those things about. He related that both he and Paul share a strong love for the Iowa landscape, and the agriculture that shapes that is very integral to water quality in the state. He added that they both think it is very important to approach water quality in the State from the standpoint of being pro-active rather than letting EPA move in and impose regulations to control agriculture. Chairman Ehm noted that because of his background in agriculture and work with the Commission, Paul asked him to work for the Department and coordinate those efforts in terms of water quality. He stated that he has accepted that position and will offer his resignation at the end of this meeting. Chairman Ehm stated that it has been an honor and a very pleasurable experience serving on the EPC over the past ten years, and to serve as the Chairman has been a thrill as well.

Director Johnson commented that it is good to have Bill on board, adding that we have good people carrying out good work, day in and day out. He noted that sometimes there are things that need a special focus, relating that Wayne Gieselman was brought in to head up the animal agriculture team and they are doing a fantastic job. He added that as the 303D list and the TMDL's issues are addressed he felt a need to get it coordinated, and Bill will head up that effort so that the Department can become pro-active in it.

Mike Valde informed the Commission that Joe Obr, Chief of the Land Quality Bureau, would be retiring at the end of January.

Commissioner Appointment

Chairman Ehm reviewed that at one time the Commission talked about Elizabeth Christiansen serving as an ex-officio member of the Mississippi River Parkway Commission but never took an action on it.

Motion was made by Terrance Townsend to appoint Elizabeth Christiansen as the ex-officio member to represent the EPC on the Mississippi River Parkway Commission. Seconded by Kathryn Murphy. Motion carried unanimously.

**COMMISSIONER CHRISTIANSEN APPOINTED AS EX-OFFICIO
MEMBER TO MRPC**

NEXT MEETING DATES

February 21, 2000

March 20, 2000

April 17, 2000

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Ehm adjourned the meeting at 3:50 p.m., Tuesday, January 18, 2000.

Paul W. Johnson, Director

William Ehm, Chair

Rozanne King, Secretary

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